

111TH CONGRESS
1ST SESSION

S. 1234

To modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

IN THE SENATE OF THE UNITED STATES

JUNE 11, 2009

Mr. LIEBERMAN (for himself, Mr. ENSIGN, Mr. NELSON of Florida, Mr. COCHRAN, Mr. MENENDEZ, Mr. MARTINEZ, Mr. BURR, Mr. VITTER, and Mr. BUNNING) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. MODIFICATION OF PROHIBITION.**

4 Section 211 of the Department of Commerce and Re-
5 lated Agencies Appropriations Act, 1999 (as contained in
6 section 101(b) of division A of Public Law 105–277; 112
7 Stat. 2681–88) is amended—

8 (1) in subsection (a)(2)—

1 (A) by striking “by a designated national”;
2 and

3 (B) by inserting before the period “that
4 was used in connection with a business or as-
5 sets that were confiscated unless the original
6 owner of the mark, trade name, or commercial
7 name, or the bonafide successor-in-interest has
8 expressly consented”;

9 (2) in subsection (b), by striking “by a des-
10 ignated national or its successor-in-interest”;

11 (3) by redesignating subsection (d) as sub-
12 section (e);

13 (4) by inserting after subsection (c) the fol-
14 lowing:

15 “(d) Subsections (a)(2) and (b) of this section shall
16 apply only if the person or entity asserting the rights knew
17 or had reason to know at the time when the person or
18 entity acquired the rights asserted that the mark, trade
19 name, or commercial name was the same as or substan-
20 tially similar to a mark, trade name, or commercial name
21 that was used in connection with a business or assets that
22 were confiscated.”; and

23 (5) in subsection (e), as so redesignated, by
24 striking “In this section:” and all that follows

- 1 through “(2) The term” and inserting “In this sec-
- 2 tion, the term”.

